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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-204140

DATE: September 8, 1981

MATTER OF: General Automotive, Diesel and Industrial
Repair, Inc.

DIGEST:

GAO will not review the contracting officer's determination of nonresponsibility where the small business bidder elects not to seek a certificate of competency from the Small Business Administration, since review would result in the substitution of the GAO for the agency specifically authorized by statute to review determination.

General Automotive, Diesel and Industrial Repair, Inc. (General), protests the determination by the General Services Administration (GSA) that General is a nonresponsible bidder and, thus, ineligible for award of contract No. GSD-8DPR-1001 for repair of Government vehicles.

GSA informed our Office that the contracting officer's determination was referred to the Small Business Administration (SBA) for possible issuance of a certificate of competency (COC). By letter of July 24, 1980, the SBA informed the contracting officer that it had closed its file on General's application for a COC and was not issuing a COC because General had advised the SBA that it was no longer interested in the contract.

It has been our position that a small business which fails to file an acceptable COC application with the SBA, or withdraws its COC application, does not avail itself of the possible relief provided by statute and regulation affording small business concerns a degree of protection against unreasonable determinations as to their responsibility by contracting officers. In these circumstances, our Office will not undertake a review of a contracting officer's determination of nonresponsibility since the review would, in effect, amount to a substitution of our Office for the agency specifically authorized by statute to review such decisions. Silco, Inc., B-197246,

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March 31, 1980, 80-1 CPD 239; see, also, Jacy Manufacturing Company, Incorporated, B-175887, August 4, 1972. Our reasoning in these cases is equally applicable here since General has not elected to seek a COC determination.

Protest dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel